

1 HONORABLE RICHARD A. JONES  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOSEPH R. KALAC,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C17-1090 RAJ  
ORDER

This matter comes before the Court on Joseph Kalac's Motion to Appoint Counsel. Dkt. # 5. There is no constitutional right to counsel in a post-conviction § 2255 proceeding. *Sanchez v. United States*, 50 F.3d 1448, 1456 (9th Cir.1995). Under the Rules Governing § 2255 Proceedings for the United States District Courts, if a judge determines that an evidentiary hearing is warranted, "the judge must appoint an attorney for a moving party who qualifies to have counsel appointed under 18 U.S.C. § 3006A." See Rule 8(c). Without this determination, appointing counsel is purely a discretionary matter. See 18 U.S.C. § 3006A(a)(2)(B) (stating that a federal court "may" appoint counsel if "the interests of justice so require[.]").

The Court does not find an evidentiary hearing necessary. If circumstances change such that the Court finds an evidentiary hearing necessary, then the Court will

1 appoint counsel for petitioner. The Court finds no other compelling justification for  
2 appointing counsel at this time.

3 Dated this 19th day of September, 2017.

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7 The Honorable Richard A. Jones  
8 United States District Judge  
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